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**Notice of Allowability**

Application No.

09/762,347

Applicant(s)

MARCELLO, DELL 'EVA

Examiner

Helen F. Pratt

Art Unit

1761

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-14-05.
2. ☒ The allowed claim(s) is/are 1-10, 12-14, 16-20, 22 and 23 renumbered as 1-16, 19, 20, 17, 18.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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*Helen Pratt*  
HELEN PRATT  
PRIMARY EXAMINER

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kestenbaum on 5-6-05.

The application has been amended as follows:

In the specification, before line 1, - This application is a 371 of PCT/DE99/02371 filed 8-4-1999 – has been inserted.

In claim 1, line 1, after “edible”, “product for substituting animal protein or tofu” has been deleted and – substitute for animal protein or tofu – has been inserted therein.

In claim 1, line 4, after “first liquid;” – and combining the seeds or nuts and the first liquid to make a first substance; - .

In claim 1, line 5, “providing” has been deleted and – adding - inserted therein, and after “fat”, the semi-colon “;” has been deleted and after “fat”, – to the first substance to make a second substance - has been added.

In claim 1, line 6, the apostrophe “ ’ ” after “acidulant” has been deleted.

In claim 1, line 7, “communitied” has been deleted and – comminuted – inserted therein.

In claim 7, 2<sup>nd</sup> line, after “sugar” - etc – has been deleted.

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In claim 10, line 1, "a content of a substance" has been deleted and – the product of the process – inserted therein.

In claim 12, line 1, "a content of a substance" has been deleted and – the product of the process – inserted therein.

In claim 13, line 1, "characterized by a content of" has been deleted and – further containing – inserted therein.

In claim 14, line 1, "a content of a substance according to" has been deleted and – the product of the process of – inserted therein.

In claim 20, line 2 "communitied" has been deleted and – comminuted – has been inserted there.

In claim 20, line 2, after "seeds or nuts; - a first liquid; - has been inserted there.

Claim 21 has been cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen F. Pratt whose telephone number is 571-272-1404.

Hp 5-9-05